

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

TADESE SHIFERAW

CASE NO. 6:20-CV-1279 SEC P

VERSUS

JUDGE MICHAEL J. JUNEAU

**PULASKI COUNTY
DETENTION CENTER, ET AL**

MAGISTRATE JUDGE HANNA

MEMORANDUM ORDER

Plaintiff has filed a Motion to Appoint Counsel. Rec. doc. 3. In a Section 1983 or *Bivens* case, the trial court has discretion to appoint counsel for an indigent plaintiff if doing so would advance the proper administration of justice. *Branch v. Cole*, 686 F.2d 264, 266-67 (5th Cir. 1982). The court should consider the following factors in ruling on such a request: (1) the type and complexity of the case; (2) whether the plaintiff is capable of adequately representing his case; (3) whether the plaintiff is in a position to adequately investigate the case; and (4) whether the evidence will consist of conflicting testimony so as to require skill in the presentation of evidence and in cross-examination. *Id.*(citing *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982)).

Here, Shiferaw's complaint must be amended before its sufficiency can be determined, defendants have not been served, and no answer has been filed. Accordingly, we cannot make a decision on the complexity of the case and the ability

of plaintiff to navigate this matter himself. At this stage of the proceedings he need not be versed in the law so long as he can recite the facts and his demands with sufficient clarity. A quick review of the neatly typed filings and plainly labeled exhibits plaintiff has submitted in this case, without an attorney to assist him, demonstrates that that he is capable of proceeding pro se. Should the matter proceed to a point where the Court finds that an exceptional circumstance presents, it will revisit this issue.

Accordingly,

IT IS ORDERED that plaintiff's request for appointment of counsel (rec. doc. 3) is **DENIED** as the circumstances presented herein are not "exceptional" so as to warrant the appointment of counsel.

THUS DONE in Chambers on this 1st day of October, 2020.

A handwritten signature in black ink, appearing to read 'Patrick J. Hanna', is written over a horizontal line.

Patrick J. Hanna
United States Magistrate Judge